



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,936	03/30/2004	Volker Entenmann	10537/279	7487
26646	7590	01/26/2006	EXAMINER	
KENYON & KENYON LLP			WENDELL, ANDREW	
ONE BROADWAY			ART UNIT	
NEW YORK, NY 10004			PAPER NUMBER	

2643

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,936	Applicant(s) ENTENMANN ET AL.	
	Examiner Andrew Wendell	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 21 recites the limitation "the route" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 10-14, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Shelton et al. (EP 0955210A2).

Regarding claim 10, Shelton et al. situational feature suppression system teaches a radio interface configured to wirelessly connect to a radio communications network and to establish a corresponding communications link (Section 0006 and

Art Unit: 2643

0007); and an arrangement configured to detect at least one of (a) a first traffic situation and (b) a second traffic situation, to define a radio communication as incapable of being performed in accordance with a detection of the first traffic situation (Sections 0023 and 0014), and to define the radio communication as capable of being performed in accordance with a detection of the second traffic situation (Section 0023).

Regarding claim 11, Shelton et al. teaches wherein the arrangement is configured to evaluate, as a function of a predefinable route, data from at least one of (a) a navigation system 5 (Fig. 1), to determine at least one of (a) first sections of a route with first traffic situations (Section 0023).

Regarding claim 12, Shelton et al. teaches wherein the arrangement is configured to evaluate a current traffic situation as a function of data from at least one of (a) at least one driver assistance system 9 (Fig. 1) and (b) at least one vehicle sensor to presence of the first traffic situation or the second traffic (Section 0023).

Regarding claim 13, Shelton et al. teaches wherein the at least one driver assistance system includes at least one of (a) an anti-lock brake system 9 (Fig. 1).

Regarding claim 14, Shelton et al. teaches wherein the arrangement is configured to determine an anticipated time period for the detected traffic situation (Section 0023).

Regarding claim 27, Shelton et al. teaches evaluating data as a function of a predefined route to detect at least one of (a) first sections of a route with first traffic situations (Sections 0023 and 0014) and (b) second sections of the route with second traffic situations, to define a radio communication on the first sections of the route as

Art Unit: 2643

incapable of being performed, and to define a radio communication on the second sections of the route as capable of being performed (Sections 0023 and 0014).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-9, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parikh et al. (US Pat# 6,408,177) in view of Katseff et al. (US Pat Appl# 2001/0028703).

Regarding claim 1, Parikh et al. call management system teaches an arrangement configured to restrict, in a restrictive operating mode, a functionality of a radio interface to a wireless communication to a radio communications network (Col. 3 line 60-Col. 4 line 38); an arrangement configured to display (Col. 2 lines 57-61), when there is a call in the restrictive operating mode, the restrictive operating mode to a user and to make available a plurality of communications functions, at least one communications function selectable by the user (Col. 3 line 60-Col. 4 line 38); and an arrangement configured to activate a selected communications function (Col. 3 line 60-Col. 4 line 38). Parikh et al. disclose the interface resided at the network instead at the customers premise. Therefore, Parikh et al. fails to teach an interface near the premise of the user.

Katseff et al. automatic answering telephone system teaches a functionality of a radio interface near the premise of the user to a wireless communication to a radio communications network (Sections 0013-0015).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an interface near the premise of the user as taught by Katseff et al. into Parikh et al. call management system in order to increase safety and restrict unwanted calls (Section 0010).

Regarding claim 4, the combination including Parikh et al. teaches wherein the user interface is configured to suppress a call signal in the restrictive operating mode (Col. 3 line 60-Col. 4 line 38).

Regarding claim 5, the combination including Parikh et al. teaches wherein one of the communications functions includes cutting a communications link "6. Reject Call" (Fig. 7b).

Regarding claim 6, the combination including Parikh et al. teaches wherein one of the communications functions includes connecting the caller to a mailbox "2. Send Call to Voicemail" (Fig. 7b).

Regarding claim 7, the combination including Parikh et al. teaches wherein one of the communications functions includes activating a call signal "1. To Take Call" (Fig. 7b).

Regarding claim 8, the combination including Parikh et al. teaches wherein one of the communications functions includes maintaining a communications link and

Art Unit: 2643

activating a call signal after a determinable time period has expired "7. To Hold Call for Pickup" (Fig. 7b).

Regarding claim 9, the combination including Parikh et al. teaches wherein a first one of the communications functions includes cutting a communications link "6. Reject Call" (Fig. 7b), a second one of the communications functions includes connecting the caller to a mailbox "2. Send Call to Voicemail" (Fig. 7b), a third one of the communications functions includes activating a call signal "1. To Take Call" (Fig. 7b), and a fourth one of the communications functions includes maintaining a communications link and activating a call signal after a determinable time period has expired "7. To Hold Call for Pickup" (Fig. 7b).

Regarding claim 23, Parikh et al. teaches restricting functionality of the communications system during operating as a function of predefined conditions (Col. 3 line 60-Col. 4 line 38); and offering a plurality of communications functions to a user for selection when there is an incoming call in the operating mode with restricted functionality (Col. 3 line 60-Col. 4 line 38). Parikh et al. disclose the interface resided at the network instead at the customers premise. Therefore, Parikh et al. fails to teach an interface near the premise of the user.

Katseff et al. automatic answering telephone system teaches an interface near the premise of the user (Sections 0013-0015).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an interface near the premise of the user as taught by Katseff et al. into Parikh et al. call

Art Unit: 2643

management system in order to increase safety and restrict unwanted calls (Section 0010).

Regarding claim 24, the combination including Parikh et al. teaches further comprising performing at least one selected communications function after the selection (Col. 3 line 60-Col. 4 line 38).

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parikh et al. (US Pat# 6,408,177) in view of Katseff et al. (US Pat Appl# 2001/0028703) and in further view of Farshi (US Pat Appl# 2004/0242285).

Regarding claim 2, Parikh et al. call management system in view of Katseff et al. automatic answering telephone system teaches the limitations in claim 1. Katseff teaches an arrangement configured to activate the restrictive operating mode in accordance with a user input 302 (Fig. 3, Sections 0013-0014 and 0024). Both Katseff and Parikh et al. fails to teach about a vehicle-mounted device.

Farshi's mobile phone support apparatus teaches a vehicle-mounted device (Fig. 1 and Section 0008).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a vehicle-mounted device as taught by Farshi into an interface near the premise of the user as taught Parikh et al. in view of Katseff et al. call management system in order to increase safety for car drivers (Sections 0003 and 0005).

Regarding claim 3, the combination including Parikh et al. teaches comprising at least one of (a) a manual activation device (Col. 3 line 60-Col. 4 line 38) and (b) a

Art Unit: 2643

voice-control system (Col. 1 lines 30-51), the at least one of (a) the manual activation device and (b) the voice-control system configured to receive the user input (Col. 3 line 60-Col. 4 line 38 and Col. 1 lines 30-51).

9. Claims 15 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (EP 0955210A2) in view of Parikh et al. (US Pat# 6,408,177).

Regarding claim 15, Shelton et al. situational feature suppression system teaches further comprising a user interface including: an arrangement configured to restrict, in a restrictive operating mode, a functionality of the radio interface to the wireless communication to the radio communications network (Section 0012) and an arrangement configured to detect the traffic situations configured to activate the restrictive operating mode in accordance with a presence of the first traffic situation (Section 0023). Shelton et al. fails to teach communication functions selected by the user.

Parikh et al. call management system teaches an arrangement configured to display (Col. 2 lines 57-61), when there is a call in the restrictive operating mode, an operating mode with restricted functionality to a user and to make available a plurality of communications functions, at least one communications function selectable by the user; and an arrangement configured to activate a selected communications function (Col. 3 line 60-Col. 4 line 38).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate communication functions selected by the user as taught by Parikh et al. into Shelton et

Art Unit: 2643

al. situational feature suppression system in order to offer additional flexibility to the user (Col. 2 lines 18-35).

Regarding claim 20, the combination including Parikh et al. teaches further comprising an operator interface configured to receive an input of desired communications links from the user (Col. 1 lines 30-51).

Regarding claim 21, the combination including Shelton et al. teaches further comprising an arrangement configured to assign at least one desired communications link input to at least one of the second sections of a route and to output the at least one desired communications link as a communications proposal (Section 0023).

Regarding claim 22, the combination including Shelton et al. teaches further comprising an arrangement configured to establish the desired communications link after acceptance of the communications proposal when a corresponding section of the route is reached (Section 0006 and 0023).

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (EP 0955210A2) in view of Parikh et al. (US Pat# 6,408,177) as applied to claim 15 above, and further in view of Chua et al. (US Pat Appl# 2004/0121783).

Regarding claim 16, the combination of Shelton et al. in view of Parikh et al. teaches the limitations in claim 15. Both Shelton et al. and Parikh et al. fail to teach displaying a cause to the user.

Chua et al. system for enabling safe hands-free operation of a wireless telephone in a vehicle teaches wherein the user interface is configured to display to the caller at least one of (a) a cause (0047).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate displaying a cause to the user as taught by Chua et al. into communication functions selected by the user as taught by Shelton et al. in view of Parikh et al. situational feature suppression system in order to reduce the number of driving accidents (Section 0004).

11. Claims 17-19 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (EP 0955210A2) in view Sheha et al. (US Pat Appl# 2005/0075119).

Regarding claim 17, Shelton et al. situational feature suppression system teaches the limitations in claim 11. Shelton et al. fails to teach displaying user travel.

Sheha et al. predictive route generation system teaches further comprising a display unit configured to display to a user travel over at least one of (a) the first section (Section 0011) (b) the second section of the route and an anticipated time period for travel (Section 0028).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate displaying user travel into Shelton et al. situational feature suppression system in order to improve location updates and route information (Section 0010).

Regarding claim 18, the combination including Sheha et al. teaches further comprising a memory configured to store information relating to an existing communications link before the first section of a route is reached (Section 0095).

Regarding claim 19, the combination including Sheha et al. teaches further comprising an arrangement configured to restore the communications link after the first section has been travelled through by call of the stored information (Section 0095).

Regarding claim 28, the combination including Sheha et al. teaches further comprising: receiving information input from a user about at least one communications link that is to be maintained during a subsequent journey and that is assigned to at least one of the detected, second sections of the route; and outputting a communications proposal (Sections 0011-0028).

Regarding claim 29, the combination including Sheha et al. teaches further comprising establishing a desired communications link after acceptance of the communications proposal and when a corresponding second section of the route is reached (Sections 0011-0028).

12. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parikh et al. (US Pat# 6,408,177) in view of Katseff et al. (US Pat Appl# 2001/0028703) and further in view of Shelton et al. (EP 0955210A2).

Regarding claim 25, Parikh et al. call management system in view of Katseff et al. automatic answering telephone system teaches the limitations in claim 23. Parikh et al. and Katseff et al. fail to teach about activating the restrictive mode by a traffic situation.

Shelton et al. situational feature suppression system teaches further comprising activating the restrictive operating mode by at least one of the communications system as a function of a presence of predefined traffic situations (Section 0006 and 0023).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate about activating the restrictive mode by a traffic situation as taught by Shelton et al. into an interface near the premise of the user as taught by Parikh et al. in view of Katseff et al. call management system in order to increase safety in driving cars (Section 0002 and 0005).

Regarding claim 26, the combination including Shelton et al. teaches further comprising detecting the presence of the predefined traffic situations by evaluating data from at least one of (a) a navigation system 5 (Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent Examiner

Date: 1/11/2006



DUC NGUYEN
PRIMARY EXAMINER

ASW